

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CLOPAY PLASTIC PRODUCTS COMPANY, INC.,

Plaintiff,

- against -

THE EXCELSIOR PACKAGING GROUP, INC.,

Defendant,

- against -

KIMBERLY-CLARK CORPORATION and
HOGLA-KIMBERLY LTD.,

Third-Party Defendants.
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: 12 Civ. 5262 (JPO) (MHD)
:

: **NOTICE OF MOTION**
: **TO DISMISS**
: **THIRD-PARTY COMPLAINT**
:

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of its Motion to Dismiss the Third-Party Complaint, dated April 15, 2013, and all prior pleadings and proceedings, Third-Party Defendant Kimberly Clark Corporation (“K-C”) will move this Court before Honorable J. Paul Oetken, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by this Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing it from the Third-Party Complaint in the above-captioned action.

Pursuant to Local Rule 6.1(b)(2), any opposition to K-C’s Motion to Dismiss the Third-Party Complaint shall be served by April 29, 2013. K-C’s Reply Memorandum of Law in Further Support of its Motion to Dismiss the Third-Party Complaint shall be served within seven (7) days after service of the answering papers.

Date: New York, New York
April 15, 2013

TANNENBAUM HELPERN SYRACUSE
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By: /s/Paul D. Sarkozi

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